

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL EURELLE JACQUES,

Plaintiff,

v.

D. TILLERY,

Defendant.

No. 2:23-cv-0079 KJN P

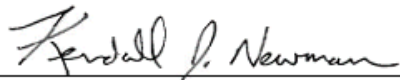
ORDER

Plaintiff is a state prisoner, proceeding pro se, with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed January 25, 2023, e-service of process was directed on sole defendant D. Tillery. On February 28, 2023, service was returned unexecuted on D. Tillery because that individual is deceased. The court construes such filing as the suggestion of D. Tillery's death upon the record, and plaintiff is so informed by serving this order on plaintiff. Service of such order invokes the ninety-day time limit for filing a motion for substitution pursuant to Federal Rule of Civil Procedure 25(a)(1).

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall serve this order on plaintiff; plaintiff now has ninety days from the date of this order to file a motion for substitution under Rule 25(a)(1) of the Federal Rules of Civil Procedure.

Dated: March 3, 2023

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE